R. F. 5 of 96

G. R. S. IX-5]

Previous references. 1895-96

~~192~~

(Land Revenue)

File No. 113 of 95.

Serial Nos. 1 to 12

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 12

M. ~~Part~~ B for August 1896.

SUBJECT.

Appeals of Shanmuna & Venkappa Irranniah regarding Shanbhogi of Baidare, Gubbi Taluk.

Countersigned

WD 2233—GPB—20,000—14-6-20

Order 1st
& 2nd on
2 memos
from
Govt Actuary

Appeal No 61 of 1895-96.

Appellants

1. Shamanna
2. Venkatramanaya

Respondent

Venkatramanaiya

Dispute regarding the Shanbhaga of Bidare Amanikere in the Tumkur Taluk.

List of English papers.

(1) Copy of the decree in judgment
(2) Do of the Dy Commr
(3) Appeal petition
(4) Official Memorandum
(5) Deputy Commr's docket.
(5½) Memo of 6th December.
(6) Govt Order No 7225 dated 9. 12. 95.
1434
(7) Deputy Commr's finding
(8) Do letter dated and

1st Sept 94
Shanbhaga
26

Mr Rivers and Do
Mathew for the
respts. Shamanna here in
court the year 1892.
that the
Act the
on what
the

Mr Rivers
heard for
23rd and 26
9/7/96

Goodadahalli.

That one Rangamma was registered in Shanbhogue in 1864 is admitted by the learned counsel for the appellants but he contends that Ramanna the son of Venkatarangappa and the father of Venkata Subbaiya - they allege that Venkata Ramanna resigned his office and Ramappa is said to have done the duties then - the 8th's father Venkata Ramanna got the work - and he was registered - This is a question of fact must be inquired into and found. The Deputy Comr will therefore find enquiry the issue as to whether the 8th's father was registered & if so when - The original records bearing on this point should be sent

6/12/96

Draft 20-05-95

Reb 114-5 que. 5. 17/12/95

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT. 13

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

Registered No. 1922 dated 2-2-95

received at the Dewan's Office from Shamanna and Venkatramaiya, Shanbhogs of Badare Amanikere, Gubbi Taluk, appealing against the Deputy Commissioner's decision in Revenue Appeal case No. 9 of 1894-95

L.R. 113-95-2

is forwarded, together with its four enclosure, to the Deputy Commissioner of Tumkur District for submission of the entire proceedings connected with the case.

2. The petition with its enclosure should be returned.

By order,

Draft (C2) for Chief Secretary.

BANGALORE,
16/17 December 1895.

M.G.C.P.B.—25-4-95—1,000

(4) 5

Gen. 31.]

REVENUE DEPARTMENT
189 5 No. 4883
20 DEC. 95
DEWAN'S OFFICE.

...as been ordered
...for hearing by Mr
... on petn no 19 of 19 95.

6th February
(Amitt Secy to Bd
on the slip)

From Deputy Commissioner
Trincomalee District.

To Revenue Secretary to
the Govt. of Ceylon.

Dated 20th December 1895.
Despatched 21st do
Received

General No. 531
No.

Enclosure No. 3 files.

C.R. 113-95-3

This Offl. Memorandum No Pet 1145 of 16 December 1895.

Submits the proceedings connected with Revenue appeal No 19 of 1894-95 on the file of this Court.

Petn
21
23/12/95

No 531
Rec: 3 files

Tiptur District.
Deputy Commissioner's Office.
Tiptur 20th December
1895.

To

The Revenue Secretary to
the Government of Mysore.

Sir,

I have the honor to submit herewith the entire proceedings connected with Revenue appeal case No 19 of 1894-95 of this Court as called for in your Official Memorandum No Rct/1145 of the 16th December 1895.

2. The petition with its enclosures received with the above is herewith returned.

I have the honor to be
Sir,
Your most Obedt Servant
M Narain Rao
Offg Deputy Commissioner

17

(2)

MYSORE COURT FILE

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REGD. NO. 1921R
DATE 2-12-95

Pet P.
7/12/95

1921

Encls form.
50 ₹5
26-8-96

In the Court of the Commissioner &
His Highness the Maha Raja of Mysore

Revenue Second Appeal No: of 1895-96.

R.S. 61 of 1895-96

Appellants

1. Chamanna
2. Venkat Ramaiah
(Defendants)

} Vs

Respondent

Venkatsubbiah

(Plaintiff)

The defendants above named most respectfully beg to appeal to this Honorable Court against the decision of the Deputy Commissioner of Tumkur in Revenue Appeal case No. 19 of 1894-95 on the following grounds: —

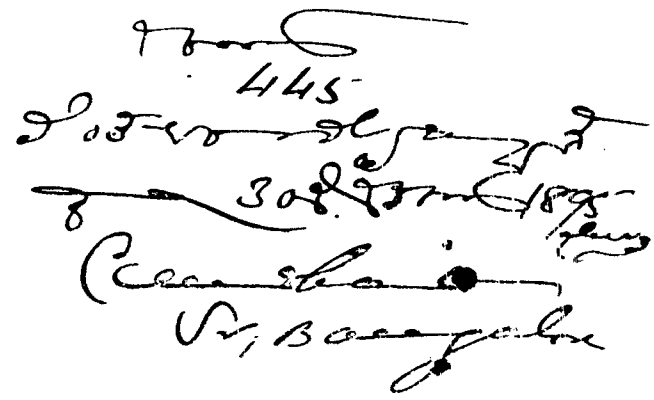
I Dasappa entered in the Registers as karnakarlar was not the father of Venkat Ramaiah but a different man

II The plaintiff's suit is time barred.

III

4

445



III It is unjust and inequitable to deprive Second defendant of the Office of Shanbhoge of Bidre Amanikere after he has performed the duties and enjoyed the emoluments attached to the same in his own right since 1878-79 that is for a period of about 17 years.

IV According to the Rules in force Shanbhoge cannot have the charge of more than one circle. Admittedly plaintiff has already the charge of Bidre, Jonachanahally and Nanjundapura circle.

V The plaintiffs and defendants are members of the same family Bidre, Bidre Amanikere, Jonichanahally and Nanjundapura here inamdar Villages, the Office of which are to be performed by turns by all the members

VI The Lower Court erred in throwing all costs on defendants under the circumstances of the

Case

10

case.

VII The decision of the lower Court is opposed to law, the weight of evidence and the probabilities of the case.

Bangalore, dated 2nd December 1895

(6) 11

Proceedings of the Court of Revenue

L.R. 113-95-H

Read:—

(1) Petition of appeal No 1921/01 of 1895-96, presented by Shamrao and Vishalrao of Bidar in jail against the decree of the Deputy Commr of Lamkan in Revenue Appeal No. 1 of 1895-96 regarding the office of Shanbhog of Bidar Amanikar

(2) Proceedings of the case received from the Deputy Commr Lamkan dated with his letter No 451 dated 20th December 1895.

—W—

Order sheet No 7228/1434
2nd 21st Jan 1896 — 16.2.96
Shal- one Gudadabhai
Dasappa has represented as
Shanbhog in 1864 is disputed
by both the parties Appellant

12

Contend that that
Ramayya was not the father
and grandfather of Plaintiff
Venkatanarasiah. They allege
that Venkatanarasiah
suppressed the appointment
One Narasayya is said
to have done the duties then
Then the Plaintiff's father
Venkatanarasiah is
said to have fabricated
the work, but not registered
This issue of fact must be
enquired into and found.
The Deputy Commissioner
will therefore finally already
the issue as to whether
the Plaintiff's father
was legitimate, and if
so then. The original
records leading in the
Court

must also be sent.

Draft. HCh
C&S 6/2

For Revenue Secretary

To. The Deputy-Commr.
Jumkan District, with
the proceedings to be
returned with his finding.

L.C.
8/2/96.

15

By Order

For Revenue Licensing

L.R113-95-6

REVENUE DEPARTMENT
Gl. I.D. Secn.
Rel No. 762
1 JUN 96
0139
DEWAN'S OFFICE

16

Gen. 31]

From The Deputy Commissioner
Trincomalee District

To The Secretary to the Board of Revenue & Commerce
& Chief Secretary

Dated 29th May 1896

Despatched 3rd June 1896

Received

General No. 2222
No. 1

Enclosure No. Petition dated 29.5.96 from Mr. Kanagaratnam

Subject Application for Government Grant of Land at Kuchchaveli in favour of Kanagaratnam

Sir,

I have the honour to forward herewith the petition of Mr. Kanagaratnam dated 29th May 1896 praying for a Government Grant of Land at Kuchchaveli in favour of Kanagaratnam.

2. The petitioner has deposited the sum of Rs. 10 as required by Rule 3 of the Rules published in Government Gazette No. 762 of 1st June 1896.

3. I have the honour to request that the petition may be submitted to the Board of Revenue & Commerce for orders.

I have the honour to be,
Sir,
Your obedient servant
Deputy Commissioner

Trincomalee
2/6/96

Sent with reference to the order passed by the Board of Revenue on 6.2.96 after hearing the parties

8/6/96

Observations and notes of the members are enclosed

11/6/96

Put before the Board of Revenue & Commerce at their meeting on 12th June 1896

Secretary

Petitioner informed

12/6

Rejected

R. Kanagaratnam
1/6/96
Rs 1/6

Petitioner informed but not with Record.
Receipt issued for Rs 1/6
Rs 3/6

17

No 729

Re: record sent for execution

Deputy Commissioner's Office
Cuttack District
Cuttack 27th February 1896.

To The Secretary to the Government of Bengal General and Revenue Department.

Sir,

As directed in Government Proceedings No. 2228/1434 dated 10th February 1896 in re-the encroachment of Bichare and three other villages in the Kuttri Taluk, I have the honor to submit herewith my finding on the issues whether Plaintiff's & Kalatacharichi father Kailasaramanand was registered as Khudkast of the villages in dispute and if so when.

2. The records in Revenue O.C. No. 7 of 1894-95 on the file of the Probationary Assistant Commissioner's Court and in

2

Revenue Appeal No. 3 of 1894-95 on the file of this Court, as well as other papers as per accompanying list are herewith submitted.

I have the honor to be
Sir
Your most obedient servant
Nir Narain Rao
Dy Commissioner

EK

S.R.113-957. (8) 19

To

The Deputy Commr.
Tumkur district

Dy 9-7-96

No. 200/49 Encl. four files, 2 Registers & Barawards. sent by parcel

His letter No 929 dated 27th May 896 submitting his finding on the issue remitted in appeal No 61 of 1895-96 (Shamanna & another Vs Venkatsubbaiya) re the Shanbhogship of Bedare Amanikere, Gubbi Taluk.

With reference to the above has the honor to request that the original records relating to the petition of Venkatsubbaiya referred to in para 6 of the plaint (2) the suspension of the 1st defdt & appointment of Pltff referred to in para 7 of the plaint (3) the transfer of possession ~~refer~~ to 2nd defdt referred to in para 8 of the plaint (4) the suspension of 2nd defdt and re-appointment of Pltff in 1892 referred to in para 9 of the plaint, and (5) the retransfer of the office to 2nd defdt in 1894 referred to in para 10 of the plaint may be forwarded to this office as early as practicable

2. The appeal is adjourned to the 23rd Inst.

3. The records are returned for reference and re-submission by the 20th Instant.

By order
9/7
for Secretary

Gen. General No. 31. 1896

(1)

REVENUE DEPARTMENT
Pet — 43
25 JUL. 96
DEWAN'S OFFICE

20

Vide dept. docket — to the Dy Comr 23/7/96

L.R. 755/189

L.R.113-95-8

From The Deputy Commr
Kumbakonam District

To The Secretary to the
Govt. of Mysore
Genl and Rev: Depts.

Dated 22nd July 1896

Despatched -Do-

Received

Enclosures No. Records sent separately

General No.
No. 73

His docket No. 2227 of
P. 49
9th instant.

Submits certain
Records in connection
with appeal case No:
61 of 95-96 (Thanjavur
and another) Venkata
Subbiya in re the
Thanjavur Chief of
Budare Anandrao
Sputti Saheb.

Pete
23.7.96

Put up next
Dy Comr
23/7/96

Records sent

No. 21

Tamkéi Outcast
Deputy Commissioner's Office
Tamkéi 22nd July 1896.

To

The Secretary to the Government
of Hycone, General and Revenue
Department

Sir,

With reference to your Docket
No 200 dated the 9th July 1896, I have
the P49
the honor to submit herewith the
following records in connection with
appeal case No. 61 of 1895-96 Ahmanni
and another vs. Enkataradian, in re
the Hereditary Chief of Pedre Ahmani
Kere, Gubbi Taluk.-

I The original record relating
to the suspension of the 1st
Defendant Ahmanni and the
appointment of the Plaintiff
Venkataradiya referred to in
para 3 of the Plaint.

II The record connected with
the transfer of possession to the
2nd Defendant Enkataramah,
referred to in para 3 of the Plaint.

III The record connected with the

registration of the 2nd defendant Venkatramiah and re-appointment of Plaintiff Venkatachalapathi in 1892, referred to in para 4 of the Plaint, and

II The record relating to the removal of the office of the 2nd Defendant Venkatramiah in 1894, referred to in para 13 of the Plaint.

2. The record relating to the petitions of Plaintiff Venkatachalapathi between 1888 and 1891 referred to in para 6 of the Plaint has not as yet been received from the Amildar of the Gutti taluk, to whom an urgent order has again been issued and will be transmitted on receipt.

3. The Endorsement of the document under reply are herewith returned.

I have the honor to be
Sir
your most obedient humble
servant

Srinivasa Rao
Deputy Commissioner

Imperial 23

Gen. 31] 1897 (12)

From

L.R. 113-95-9

To

The Deputy Commr
Tumkur District.

Dated 23/1/96

Despatched 23

Received

General No. 755

Pet No. 159

Enclosure No.

His letter No 73 dated 22nd Instant submitting certain records in connection with the appeal of Shamanna Hanumantha of Bidare, Gubbi Taluk, and stating that the records relating to the partition of Venkatanarasiah between 1888 and 1891 will be submitted on receipt of the same from the Amildar of Gubbi.

—w—

Has the honour to request that the records relating to Venkatanarasiah's petition referred to in para 2 of the

above letter may be forwarded to this office before the 31st instant by which date the appeal has been adjourned.

By Order

Draft

23/7

For Secretary

L.V. 23/7

25

Gen. 31

L.R. 113-95-10

REVENUE DEPARTMENT
1896 Rel 665 5-8
27 JUL 96
NEWAL OFFICE

From The Deputy Commissioner
Trunkur District

To The Secretary to the Govt. of Mysore Genl and Rev. Departments (11)

Dated 23rd July 1896
Despatched — 24th Do.
Received

General No. 79.
No.

Enclosure No. 3 & a ver. file

This office no 73 dated 21st July 1896.

Submits Extracts from the Endorsements issued to Petitioner Venkatachallah on his petitions presented to the Amildar of Gubbi in 1888 and in 1891-92

The suit is evidently barred. The order which dismissed the Petitioner's suit was passed in 1878. The Petr was then under a disability being a minor and that disability ended in 1888. He had three years from that period within which to file the suit but was not filed till 1894. The suit is therefore barred & must be already dismissed.

23/7/96

Petr Rev: Supn 25/7/96

2/0

No 79

Rev. 3rd Ver: file

Deputy Commissioner's Office
Tumkur District
Dated, Tumkur, 23rd July 1896.

To

The Secretary to the Government
of Mysore, General and Revenue
Department.

Sir,

In continuation of my para 2 of
Letter No 73 dated the 21st July 1896,
I have the honor to state that the
Amildar of the Gubbi Taluk reports
that the Plaintiff Venkatasubbiya
presented two petitions one in May
1888 protesting against the registry
in the name of Venkatramiya son of
Samanna, of the Shanboge of the
Bidare Amanikere village, and the
other in 1891-92 applying for Copies
of the Registers of the Bidare Amani
Kere Shanboge for the years Prajoth-
patti and Bahudhanya and that on
both these petitions Endorsements were
issued to the Petitioner Venkatasubbiya.
Extracts from the Registers are here-
-with submitted for information.

2. With the exception of the aforesaid
two petitions, no other petitions were

Received from the Petitioner during
the 3 years viz: 88-89 to 90-92.

3 The Gubbi Amildar's Report No.
156 dated 22nd instant together
with its Enclosures are herewith sub-
mitted.

I have the honor to be
Sir
Your most obedient Servant

M. Narasimha Rao

Deputy Commissioner
Tumkur District

E.V.

(Box 1)

Draft Bill Gazette 28

Proceedings of the Govt of Mysore

(167)

Read:-

L.R. 113-95-11

(1) Petition of appeal No 1921/61 of 22d December 1895 by Shamanna & Krishna Venkatramanjiga of Bidare in the Gubbi Taluk against the decree of the Assistant Deputy Commissioner in Revenue appeal No 19 of 1894-95 regarding the Shanbog ship of Bidare Amanikere.

(2) Proceedings of the case received from the Deputy Commissioner, Tumkur District, with his letter No 631 dated 20th December 1895.

(3) Letter No 229 of 27th January 1896 from the Deputy Commissioner Tumkur &c, submitting with reference to the order recorded on 7-33/1434 of 16th Feb: 1896, his finding on the issues whether Plaintiff's father was registered as Shanbog vide G.O. 1170 dated 30th Nov: 1871 together with the records of additional evidence.

(4) Papers received with the Dy Comrs letters Nos. 78 & 79 dated 22d & 23d July 1896 respectively relating to the points noted in the docket addressed to Tumkur No 200/49 dated 9th July 1896

9 Fact of the case

The Shanbhogi of the four villages noted in the margin had been reserved for Maddak or common enjoyment by the various hiredars who had a joint interest in it and who held separately the Shanbhogi offices of Guddadahalli, Irabicanura, Konanhale and Satenhalli Pattis; and the duties thereof were being conducted by them by turns. Guddadahalli Basappa who was a hiredar, having the charge of the Guddadahalli Patti, was shown in the barawand as the registered Shanbhog of the four Maddak villages, and on his death, which took place long before 1864, his son Guddadahalli Venkatramanna performed the duties of the Maddak villages (in addition to his own Patti of Guddadahalli) for one year as a hiredar and for 5 years as a mortgagee; ~~for some years~~.

He was registered as sole Shanbhog of these villages in 1864, but shortly after, he resigned it, preferring to have

× 1. Bidare
2. Konanhalli
3. Ranjanderpura
4. Bidare Annanikere

it up when his turn came again
after 10 years. Thereupon
one Kagere Nasaapfa, and
after him the Plaintiff's
father Henkitamanua
performed the duties of the
Office as Headmen. In 1867,
the latter's father, that is, the
Grandfather of the Plaintiff,
named Nasaapfa, having died,
the Amtidar mistook him
to be the Nasaapfa mentioned
in the Barnard (who however
had died long before 1864, but
whose name continued to be
in the Register notwithstanding
the aforesaid changes), and
recommended the Plaintiff's
father's name being entered
in the Barnard in the place
of Nasaapfa. This was sanctioned
by the Acting Commr. in March
1868. Plaintiff's name was
registered as Kanakhoy of the
four villages referred to on
the death of his father in 1871;
and as Plaintiff was then a
minor, the Adgt. Kamanna
one of the Headmen, was
appointed to act as Manager
of the Patéy's interests

in 1892, the four villages were formed into two courts, of which Bidare Arramilare was, by itself, one, and the other consisted of the remaining 3 villages. The Plaintiff was registered as Shanbhag of the latter, and 2nd defendant (a cousin of the Plaintiff) was appointed as Shanbhag of the Bidare Arramilare.

(2). The Plaintiff instituted this suit on the 1st August 1894 to recover the Shanbhagi of Bidare Arramilare from the defendants. He urged that the transfer of the office to 2nd defdt in 1892 was fraudulent, that he came to know of the fraud in January 1894 and that the cause of action arose then. The Asst Commr who tried the case dismissed the suit, but the Deputy Commr allowed it, he being of opinion that 2nd defendant should be regarded as having been appointed as farmadi. Hence this appeal by Defendants to Govt.

~~3. With reference to the plea that the suit was barred, the Plaintiff urged that the 2nd plea a Miscellaneous application in 1888, and had that was put~~

32

~~fact of pleader's petition~~

GOVERNMENT ... MYSORE

(3) With reference to the plea that the suit was barred, the Plaintiff urged that he had filed a Miscellaneous petition in 1888 and had subsequently been put in possession of the office twice. The papers received with letters Nos 73 and 74 dated 22nd & 23rd Aug 95 from the Deputy Commissioner show that a petition presented by Plaintiff on 16th April 1888 was rejected on 18th May 1888 and that once in April 1891 when the 1st defendant, who was doing the duties for the 2d defendant, was suspended, and again in October 1892, when the 2d defendant was suspended pending enquiry into a criminal charge, which however, the Plaintiff was, as a temporary measure, appointed to act for the 2nd defendant, and that on both occasions the 2d defendant was permitted to resume charge of the Office

Order

3 Order No 2095 Civil Miscellaneous
P.F. 5-96.

D/ 21/26-8-96.

The suit is evidently barred. The order which put the Plaintiff out of his right was passed in 1878. The Plaintiff was then under a disability being a minor and that disability ended in 1883. He had three years from that period, but the suit was not filed till 1894. The suit is therefore barred and must be and is hereby dismissed.

Redraft
C283

21-8-96
Secretary

To

The Assistant Commissioner
Dist with records if any
Enhancement and Bill

26-8-96

(3)

L.R. 113-95-12

35

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

By Order

Jaindraft-

[illegible]

Secretary

SV.